

IN RE: PETITION FOR ZONING VARIANCE  
S/S Forge Road, 1150' W of  
the c/l of Winkler Street  
(5123 Forge Road)  
11th Election District  
5th Councilmanic District  
Steven M. Faulkner, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-155-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Steven M. and Debra Sue Faulkner. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Steven Faulkner, property owner, and James and Janice Faulkner, adjoining property owners. There were no Protestants.

Testimony indicated that the subject property, known as 5123 Forge Road, consists of .416 acres, more or less, zoned D.R.1 and is currently vacant. The Petitioners are desirous of constructing a single family dwelling on the property but due to the location of the septic area in the front portion of the lot, the dwelling must be situated to the rear of the property within the required setback boundary. Testimony and evidence presented indicated that the proposed location for the septic area was determined by the Department of Environmental Protection and Resource Management, and in order to comply with their recommendations, the requested variance is necessary. Further testimony indicated that all other height and area requirements will be met by the proposed development.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of December, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 12/21/92  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 21, 1992

(410) 887-4386

Mr. & Mrs. Steven M. Faulkner  
7 Rosehill Court  
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
S/S Forge Road, 1150' W of the c/l of Winkler Street  
(5123 Forge Road)  
11th Election District - 5th Councilmanic District  
Steven M. Faulkner, et ux - Petitioners  
Case No. 93-155-A

Dear Mr. & Mrs. Faulkner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File



## Petition for Variance

93-155-A  
to the Zoning Commissioner of Baltimore County

for the property located at 5123 Forge Road  
which is presently zoned DR-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3C1 to allow a rear setback of 30' in lieu of the required 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) No public sewer has been provided sewer connection was proposed for 1988 & 1991 then cancelled from 92 budget  
(1) due to no public sewer as septic system must be utilized

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.  
(2) D.E.P.R.M. determined and designed septic field location and specific design homesite was placed according to D.E.P.R.M. policies and guidelines.

Contract Purchaser/Leasee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  
(Legal Owner(s))

MR. STEVEN MARK FAULKNER  
(Type or Print Name)

Signature Steven Mark Faulkner

Debra Sue Faulkner  
(Type or Print Name)

Signature Debra Sue Faulkner

7 Rosehill Ct. 410-256-0053  
Address

Balto. MD 21236  
City State Zipcode

Signature

Address

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: 12/23/92 Next Two Months

ALL OTHER DATE 11/5/92

REVIEWED BY: 159

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 5123 FORGE RD  
(address)

Beginning at a point on the SOUTH side of FORGE RD  
(north, south, east or west) (name of street)

which is 30' (number of feet of right-of-way width)

street on which property fronts) WEST of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street WINKLER ST  
(name of street)

which is 50' wide. \*Being Lot # 6A,  
(number of feet of right-of-way width)

Block M, Section # — in the subdivision of FORGE ACRES  
(name of subdivision)

as recorded in Baltimore County Plat Book # 14, Folio # 88, containing  
17,200 Also known as 5123 FORGE RD  
(square feet or acres) (property address)

and located in the 11 Election District, 5 Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber —, Folio —" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: 8.87 12' 13" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

159

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 11/21/92  
Posted for: Variance  
Petitioner: Steven M. & Debra S. Faulkner  
Location of property: 30' (5123) Forge Rd. 11th W. Winkler St.  
Location of Sign: Corner of Forge Rd. & Winkler St. 11th W. Winkler St.  
Remarks: —  
Posted by: Timothy M. Kotroco Date of return: 11/21/92  
Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/26, 1992  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/26, 1992

THE JEFFERSONIAN,

S. Zake Orlow  
Publisher

\$83.88



Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R 001-6150

Number

Date

11/26/92

11/26/92

11/26/92

11/26/92

Cashier Validation

04A04-R001-INT-CHRG  
BA 009-110411-05 92 \$50.00  
Please Make Checks Payable To: Baltimore County



Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R 001-6150

Number

Date

93-155

04A04-R001-INT-CHRG  
BA 009-110411-05 92 \$50.00  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 12 9 92

Steven and Debra Faulkner  
7 Rosehill Court  
Baltimore, Maryland 21236

RE:  
CASE NUMBER: 93-155-A (Item 159)  
S/S Forge Road, 1150' W of c/l Winkler Street  
5123 Forge Road  
11th Election District - 5th Councilmanic  
Petitioner(s): Steven Mark Faulkner and Debra Sue Faulkner  
HEARING: TUESDAY, DECEMBER 15, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 83.85 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via REGISTERED MAIL to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOVEMBER 13, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-155-A (Item 159)  
S/S Forge Road, 1150' W of c/l Winkler Street  
5123 Forge Road  
11th Election District - 5th Councilmanic  
Petitioner(s): Steven Mark Faulkner and Debra Sue Faulkner  
HEARING: TUESDAY, DECEMBER 15, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a rear setback of 30 feet in lieu of the required 50 feet.

Lawrence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: Steven and Debra Faulkner

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

December 4, 1992

Mr. and Mrs. Steven Mark Faulkner  
7 Rosehill Court  
Baltimore, MD 21236

RE: Case No. 93-155-A, Item No. 159  
Petitioner: Steven Mark Faulkner, et ux  
Petition for Variance

Dear Mr. and Mrs. Faulkner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 5th day of November 1992.

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Steven Mark Faulkner, et ux  
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: Lawrence E. Schmidt Date: 11/23/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Charles L. and Maureen Lamoreaux	148	11-16-92	NC	
Stephen F. and Christopher S. Jencks	154		Comment	
John and Caole Villanova	156		NC	
Keys Development Corporation	157		Comment	
Steven J. and Beverly A. Timchula	158		NC	
Steven M. And Deborah S. Faulkner	159		NC	
Ralph L. and Elsie M. Hackler	160		NC	
Theresa Rykaczewski	161		NC	
Jean Romadka	162		NC	
Residuary T. of Milton Schwaber - Carroll Independent Fuel	163		Comment	

Rec'd 11/23/92

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 93-157 (LJ6)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
David Ramsey 11/10/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
NOV 10 1992  
ZONING OFFICE

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 445-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: November 17, 1992

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: 5123 Forge Road

INFORMATION:  
Item Number: 159  
Petitioner: Steven and Debra Faulkner  
Property Size: 0.416 acres  
Zoning: DR 1  
Requested Action: Variance  
Hearing Date: 12/15/92

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a variance to allow a rear setback of 30' in lieu of the required 50'.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request. The homesite was placed in this particular location due to DEPRM guidelines.

Prepared by: Frances M. Denny  
Division Chief: Eric M. Denny  
EMCD/FM:rdn

159. ZAC/ZAC1  
Rec'd 11/23/92

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: November 17, 1992

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: 5123 Forge Road

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Prepared by: Frances M. Denny  
Division Chief: Eric M. Denny  
EMCD/FM:rdn

159. ZAC/ZAC1  
Rec'd 11/23/92



Department of Environmental Protection & Resource Management  
Development Review Committee  
Authorized signature: 18/11/92 Date: 11-23-92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Keys Development Corporation	157	11-16-92	NO COMMENTS
DED DEPRM RP STP TE	158	NO COMMENTS	
Steven J. and Beverly A. Tinchula	159	NO COMMENTS	
DED DEPRM RP STP TE	160	IN PROCESS	
Steven M. and Deborah S. Faulkner	161	NO COMMENTS	
DED DEPRM RP STP TE	162	WRITTEN COMMENTS	
Ralph L. and Elsie M. Hackler	163	NO COMMENTS	
DED DEPRM RP STP TE	164	NO COMMENTS	
Theresa Rykaczewski	165	NO COMMENTS	
DED DEPRM RP STP TE	166	NO COMMENTS	
Jean Romacka	167	NO COMMENTS	
DED DEPRM RP STP TE	168	NO COMMENTS	
Residuary T. of Milton Schwaber - Carroll Independent Fuel	169	NO COMMENTS	
DED DEPRM RP STP TE	170	NO COMMENTS	
COUNT 10			
Steven and Nadine Mosgin	129	11-2-92	NO COMMENTS
DEDPRM RP	130	NO COMMENTS	
Edward L. and Linda M. Gittings	131	NO COMMENTS	
DEDPRM RP STP	132	NO COMMENTS	
Kathleen Gaiser	133	NO COMMENTS	
DEDPRM RP STP	134	NO COMMENTS	
E. Anderson	135	WRITTEN COMMENTS	
DEDPRM RP	136	NO COMMENTS	
Richard E. Shetrone Jay E. Boyd	137	NO COMMENTS	
DEDPRM RP	138	NO COMMENTS	

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500  
(410) 887-4500

NOVEMBER 17, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: STEVEN MARK FAULKNER AND DEBRA SUE FAULKNER  
Location: #5123 FORGE ROAD  
Item No.: 159 (LJG) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Ruffin Noted and Approved JP  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME: Steven Faulkner  
James Faulkner  
Janice Faulkner

ADDRESS: 7 Rosehill Court #21236  
20 Hines Leigh Ct #21236  
20 Hines Leigh Ct #21236

Map to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 5123 Forge Road

Subdivision name: Forge Acres  
Plot book: 12 Volume 22 Section 6 Block 1

OWNER: STEVEN & DEBRA FAULKNER

1150' ± & WINKLER ST.

FORGE ROAD

WOODED LOT

160' ±

112'

5200

W.J. BARTH

BANGERT ST.

PETITIONER'S EXHIBIT 1

North

Date: 10-28-92  
Prepared by: JP/KEK

Scale of Drawing: 1"=100'

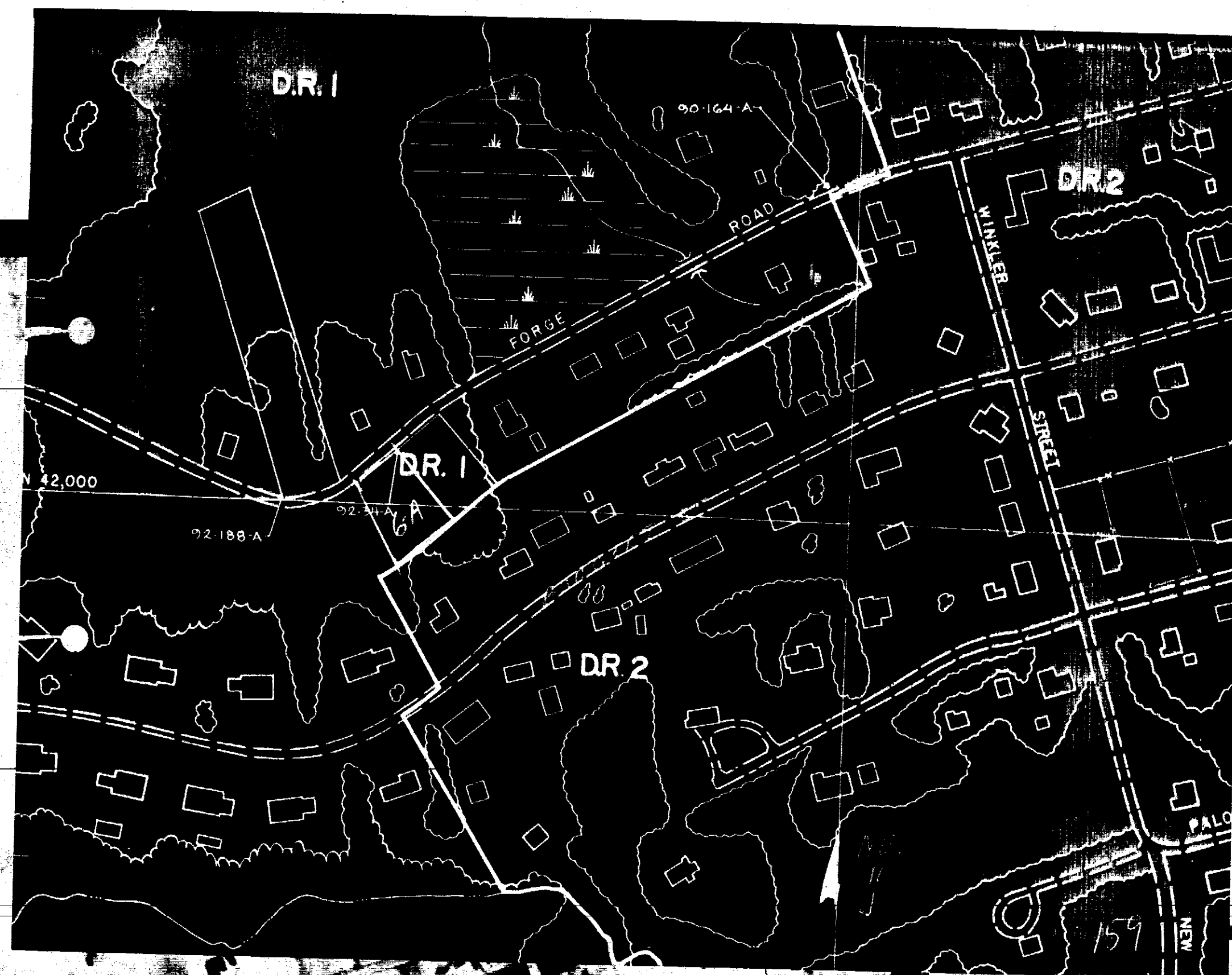
LOCATION INFORMATION

Constitutional District: 5  
Election District: 11  
1"=200' scale map: NE 115  
Zoning: DR-1  
Lot area: 416 17,200 square feet

SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!  
Reviewed by: JP ITEM # 159 CASE # 16





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
LORELEY

SHEET  
N.E.  
11-J  
159

93-155-A